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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 KRZYSZTOF F. WOLINSKI, No. 2:23-CV-1467-DJC-DMC-P  
12 Plaintiff,  
13 v. ORDER  
14 KERRI M. LAMAS, et al.,  
15 Defendants.

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to  
18 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge  
19 pursuant to Eastern District of California local rules.

20 On March 18, 2024, the Magistrate Judge filed findings and recommendations  
21 herein which were served on the parties, and which contained notice that the parties  
22 may file objections within the time specified therein. No objections to the findings  
23 and recommendations have been filed.

24 The Court has reviewed the file and finds the findings and recommendations to  
25 be supported by the record and the Magistrate Judge's analysis. In addition, the  
26 Court has reviewed the Magistrate Judge's January 19, 2024 Order (ECF No. 12)  
27 which the Court finds is also supported by the record and the proper analysis.

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1 Accordingly, IT IS HEREBY ORDERED as follows:

2 1. The findings and recommendations filed March 18, 2024, ECF No. 13,  
3 are adopted in full.

4 2. This action shall proceed on the original complaint, ECF No. 1, on the  
5 following claims:

6 a. First Amendment claims against Defendants Lamas  
7 and Pender based on alleged retaliatory conduct (first  
claim).

8 b. Eighth Amendment claims against Defendants Butterfield,  
9 Singh, Lamas, and Schultz arising from the alleged use  
of excessive force on January 25, 2022 (second claim).

10 c. Eighth Amendment medical care claims against  
11 Defendants Tran, Osmon, and Nandy (third claim).

12 3. All claims against Defendant Berumen are DISMISSED with prejudice for  
13 failure to state a claim against whom relief can be granted.

14 4. Plaintiff's due process claim be DISMISSED with prejudice.

15 5. This matter is referred back to the assigned Magistrate Judge for all  
16 further pretrial proceedings.

17 IT IS SO ORDERED.

18 Dated: August 14, 2024

  
Hon. Daniel J. Calabretta  
UNITED STATES DISTRICT JUDGE